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BY ECF

Honorable Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Lisa Snead v. City of New York, et al.,
16-CV-9528 (AJN)

Your Honor:

I am a Senior Counsel in the office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants City of New York ("City") and retired Police Officer Gregory Lobianco, Police Officer Richard Hanson and Sergeant Asa Barnes in the above-referenced matter. I write on behalf of defendants to respectfully request the Court's permission to submit defendants' cross-motion for partial judgment separately from defendants' opposition to plaintiff's partial summary judgment motion due to an oversight made by the undersigned in reviewing Section 3(G)(viii) of Your Honor's Individual Practices in Civil Cases ("Individual Rules"). Plaintiff's counsel, Gabriel P. Harvis, "takes no position with regards this request and does not consent to the defendants submitting their cross-motion."

On January 22, 2018, plaintiff filed her Notice of Motion for Partial Summary Judgment. (Docket entry 64) Accordingly, on February 5, 2018, defendants filed their opposition to plaintiff's motion (docket entries 69-71) with the intention of filing their own motion for summary judgment the following day, February 6, 2018¹. However, upon further review of Your Honor's Individual Rules, it appears that defendants should have filed their cross-motion in conjunction with their opposition papers to plaintiff's motion for partial summary judgment. (See Section 3(G)(viii) of Your Honor's Individual Rules) The undersigned apologizes to the Court for the oversight and respectfully requests that the Court accepts the separately filed motion papers for defendants' cross-motion for partial summary judgment (docket entry no. 73-76), which is timely submitted within the 30 days of the close² of discovery

¹ The undersigned intended to file this letter and defendants' cross motion yesterday, February 6, 2018. However, due to technical difficulties with our offices' computers, I was unable to file defendants' motion as intended.

² Discovery in this action closed on January 15, 2018; therefore, pursuant to Your Honor's Individual Rules and the Fed. R. Civ. P., summary judgment motions are due on February 14, 2018.

pursuant to the Your Honor's Individual Rules and the Federal Rules of Civil Procedures. Further, defendants are in compliance with the page limitations provision of section 3(G)(viii) of Your Honor's Individual Practices – the combined pages of defendants' supporting and opposing memorandum of law is thirty-five pages, below the fifty-page limit. (See Docket Entries 70 and 75)

Finally, there is no prejudice to plaintiff if defendants are allowed to file their cross-motion for partial summary judgment separately from their opposition to plaintiff partial summary judgment motion. Therefore, defendants respectfully request that the Court accepts the separately filed cross-motion papers for defendants' partial summary judgment motion. To the extent the Court is incline to grant this request, defendants would consent to a brief 2-day extension of time for plaintiff to submit his opposition to defendants' cross-motion until February 21, 2018.

Defendants thank the Court for its consideration.

Respectfully submitted,

/s/

Nana K. Sarpong
Senior Counsel

cc via ECF: Gabriel P. Harvis, Esq.

